IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M. JOSEPH

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 19239 of 2007(M)

PETITIONER:

MARIYAKUTTY MATHEW, AGED 70 YEARS,
W/O. LATE MATHEW, KURIYATH HOUSE,
P.O. POONCHIRA, THRISSUR.

BY ADV. SRI. N.RAGHURAJ
SMT. K. AMMINIKUTTY

RESPONDENTS:
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1. **THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), THRISSUR.**

2. **A & E INSPECTOR NO.4,**
O/O. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES(GENERAL), THRISSUR-3.

3. **CORPORATION EMPLOYEES CO-OPERATIVE SOCIETIES, NO.R-38, CORPORATION OFFICE, THRISSUR, REPRESENTED BY ITS SECRETARY.**

4. **BABU LUIZ, VETTATH HOUSE,**
P.O. PATTIKKAD, THRISSUR DISTRICT.

R1 & R2 BY GOVERNMENT PLEADER SRI. P.K. RAVIKRISHNAN
R3 BY ADV. SRI. C.E. UNNIKRISHNAN
R4 BY RENJITH XAVIER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 19239 of 2007(M)

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1	**:**	**COPY OF THE BOND EXECUTED ON 28.04.2004 IN FAVOUR OF THE 3RD RESPONDENT.**
EXT. P2	**:**	**COPY OF RECEIPT ISSUED BY THE 3RD RESPONDENT IN THE NAME OF THE 4TH RESPONDENT.**
EXT. P3	**:**	**COPY OF THE RECEIPT ISSUED BY THE 3RD RESPONDENT IN THE NAME OF THE 4TH RESPONDENT.**
EXT. P4	**:**	**COPY OF THE NOTICE DATED 17.05.2007, ISSUED BY THE 2ND RESPONDENT.**
EXT. P5	**:**	**COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER SEEKING THE BENEFIT OF ONE TIME SETTLEMENT (OTS) DATED 11.06.2007.**

// True Copy //

P.A. to Judge.

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K.M.JOSEPH, J.

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W.P.(C).No.19239 OF 2007

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Dated this the 16th day of July, 2007

JUDGMENT

The prayer in the writ petition is a direction to the second and third respondents to refrain from selling the property of the petitioner in pursuance of Ext.P4 notice and also pass orders on Ext.P5 application and to grant sufficient instalments to clear off the loan availed by the 4th respondent for which petitioner stood as a guarantor.

2. I heard learned counsel for the third respondent also. He would submit that petitioner may be entitled to the benefit of Circular No.30/07 and whatever the benefits which the petitioner is entitled to will be granted to the petitioner. The writ petition is disposed of as follows:

The third respondent bank will serve a statement on the petitioner within two weeks from today showing the amount payable by the petitioner after giving the benefit which the petitioner is entitled to under Circular No.30/07. The amount

shown as payable in the statement to be served by the third respondent shall be paid by the petitioner in 5 equal monthly instalments, the first of which shall be payable on or before 16/08/2007. Petitioner is to pay the remaining intalments on or before the 16th of every succeeding months. If the petitioner does not pay any of the instalments as aforesaid, it is open to the third respondent to proceed against the petitioner in accordance with law. Proceedings will be kept in abeyance if the petitioner complies with the terms of the judgment.

(K.M.JOSEPH, JUDGE)

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